

REMARKS

Claims 1 and 2 are amended. Claims 1-70 are pending in the application.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, U.S. Patent No. 5,643,531, or as being unpatentable over Roman, U.S. Patent No. 5,376,191. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claim 1 is allowable over Kim and Roman for at least the reason that the references, individually or as combined, fail to disclose or suggest each and every limitation of the claim.

As amended independent claim 1 recites forming a metallic glass coating on a substrate by forming a successive buildup of continuous layers, the metallic glass coating having a hardness of at least about 9.2 GPa and comprising an alloy containing fewer than 11 elements. The amendment to claim 1 is supported by the specification at, for example, page 16, line 14-19, Fig. 6 and the claims as originally filed. Kim discloses depositing a layer of material onto a surface and transforming the layer into an amorphous structure (col. 3, ll. 42-46). Kim does not disclose or suggest the claim 1 recited forming a metallic glass coating by forming a successive buildup of continuous layers.

Roman discloses forming amorphous metallic finishes on metal substrates utilizing thermal projection deposition or arc-blown plasma deposition to deposit thicknesses of between 0.03 mm and 1.5 mm (col. 6, ll. 40-49). Roman does not disclose or suggest the claim 1 recited forming a metallic glass coating by forming a successive buildup of continuous layers on a substrate. As combined, Kim and Roman fail to disclose or suggest the claim 1 recited forming a successive buildup of continuous layers to form a metallic glass coating on a substrate. Accordingly, independent claim 1

is not rendered obvious by Kim, Roman or by a combination thereof, and claim 1 is allowable over these references.

Claims 1-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Branagan et al., U.S. Patent No. 6,258,185. Applicant notes that the cited '185 patent to Branagan qualifies as prior art only under § 102(e). The claimed invention and the subject matter of the '185 patent were commonly owned at the time the invention was made. Therefore, in accordance with 35 U.S.C. § 103(c), the '185 patent cannot properly be utilized as the basis of a § 103 rejection of the present application. Accordingly, applicant respectfully requests withdrawal of the § 103(a) rejection of claims 1-70 based on the '185 patent in the Examiner's next action.

Claim 2 is amended to place it in independent form. The amendment of claim 2 is not intended to limit the scope of the claim.

For the reasons discussed above, claims 1-70 are allowable. Accordingly, applicant respectfully requests formal allowance of claims 1-70 in the Examiner's next action.

Respectfully submitted,

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